ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxx.

An Act for eſtabliſhing a Church or Chapel in *Toxteth Park*, in the Pariſh of *Walton-on-the-Hill*, in the County of *Lancaſter*. [7th *June* 1815.]

WHEREAS owing to the great Increaſe of Inhabitants within *Toxteth Park*, in the Pariſh of *Walton-on-the-Hill*, in the County Palatine of *Lancaſter*, a Chapel for Divine Worſhip there is become neceſſary: And whereas *John Cragg* Eſquire, hath lately purchaſed, appropriated, and ſet apart a certain Piece or Parcel of Ground, ſituate in *Toxteth Park* aforeſaid, as and for the Scite of a Church or Chapel, together with a Cemetery to the ſame, and hath conveyed ſuch Piece of Land to and to the Uſe of *John Moſs*, *John Menzies*, *John Garnett*, *John Montgomery*, *Robert Gladſtone*, *William Hughes*, *Arnold Harriſon*, *Thomas Headlam*, *Aſhton Byrom*, *William Neilſon*, and *Joſeph Gibbons*, all of *Liverpool*, Eſquires, and the ſaid *John Cragg*, their Heirs and Aſſigns, to the Intent that when ſuch Building is finiſhed, the ſame may be conſecrated for Divine Service, and the Adminiſtration of Sacraments and other Rites and Ceremonies according to the Uſage of the United Church of *England* and *Ireland*: And whereas the ſaid *John Cragg*, for the Purpoſes aforeſaid, with the Conſent and Approbation of *John Leigh* of *Liverpool*, in the ſaid County of *Lancaſter*, Eſquire, as the Patron of the Rectory or Pariſh Church of *Walton* aforeſaid, and of the Reverend *Samuel Heathcote* Rector, and the Reverend *Henry Heathcote* Vicar of the Pariſh and Pariſh Church of *Walton* aforeſaid, at his own Expence hath built a handſome Gothic Building, as and for a Church or Chapel, on Part of the ſaid Piece of Land,

and the ſame is now nearly finiſhed, and he is at his own Expence proceeding with all poſſible Expedition in finiſhing, furniſhing, and ornamenting the ſame: And whereas it would be of great public Convenience if Marriages were allowed to be celebrated in the ſame; but as theſe uſeful Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, the ſaid Piece or Parcel of Land and Premiſes, ſo conveyed as aforeſaid, ſhall from thenceforth be, and is by this Act declared to be, veſted in the ſaid *John Cragg*, *John Moſs*, *John Menzies*, *John Garnett*, *John Montgomery*, *Robert Gladſtone*, *William Hughes*, *Arnold Harriſon*, *Thomas Headlam*, *Aſhton Byrom*, *William Neilſon*, and *Joſeph Gibbons*, and their Succeſſors for ever, to be appointed under this Act, by the Name and Stile of "The Truſtees of the Church of *Saint Michael*;" and it ſhall be lawful for the ſaid Truſtees, and their Succeſſors, to hold the ſame, without incurring or being ſubject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatſoever, to the Uſe, Intent, and Purpoſe, that the ſaid new intended Church, with the Cemetery to the ſame, may be for ever ſet apart, conſecrated, and dedicated, to and for the Service of Almighty God, as a Place of Divine Worſhip, and the Adminiſtration of Sacraments, and other Rites and Ceremonies, according to the Liturgy and Uſages of the Church of *England*, for ever, and ſuch Church ſhall be called, "The Church of *Saint Michael, Toxteth.*"

Land veſted in Truſtees.

New Truſtees.

II. And be it further enacted, That in caſe any of them, the ſaid *John Cragg*, *John Moſs*, *John Menzies*, *John Garnett*, *John Montgomery*, *Robert Gladſtone*, *William Hughes*, *Arnold Harriſon*, *Thomas Headlam*, *Aſhton Byrom*, *William Neilſon*, and *Joſeph Gibbons*, being the Truſtees herein-before named, or any Truſtee or Truſtees to be nominated and appointed as herein-after mentioned, ſhall happen to die, or ceaſe to be a Proprietor of a Seat in the ſaid intended Church or Chapel, or become incapable of acting, or decline to act, when required ſo to do, then and in ſuch Caſe it ſhall and may be lawful to and for the Majority of ſuch of the Remainder of the ſaid Truſtees as ſhall be preſent at any Meeting to be called for the Purpoſe, and which Meeting any One or more of ſuch Truſtees are hereby authorized to call and appoint, upon Twenty-one Days Notice thereof, in ſome Newspaper publiſhed in the ſaid Town of *Liverpool*, until the ſaid Church or Chapel ſhall be completed, and Divine Service performed therein, and thereafter put upon the Door of ſuch Church or Chapel, from Time to Time to nominate and appoint any other Perſon or Perſons, being a Proprietor or Proprietors of a Seat in the ſaid Church or Chapel, as a Truſtee or Truſtees, in the Place or Stead of the ſaid Truſtee or Truſtees ſo dying, ceaſing to be a Proprietor or Proprietors of a Seat, or becoming incapable or declining to act as aforeſaid; and the Property ſo veſted in the Truſtees herein-before named, ſhall be thereupon conſidered as veſted in ſuch continuing and other Truſtee or Truſtees, to be appointed as aforeſaid, and ſuch new Truſtee or Truſtees ſhall in every reſpect be inveſted with the like Powers and Authorities to all Intents and Purpoſes, as the Perſon or Perſons in whoſe Place or Stead he or they may be ſo nominated and appointed as aforeſaid.

III. And

Seats to be numbered, and vested in Trustees, &c.

III. And be it further enacted, That before the Consecration of the said Church or Chapel, a Seat or Pew sufficient to hold Six Persons at least, shall be set apart by the said Trustees, in the Body or Ground Floor of the said Church, and contiguous to the Pulpit, for the Use of the Minister of the said Church or Chapel for the Time being, and his Family; and another Seat or Pew in some other convenient Part of the said Church not among the Free Seats, capable of containing not less than Four Persons, shall also in like Manner be set apart for the Use of the Minister's Servants; and that Sittings or Benches in the said Church, to be marked with the Words "Free Seats," and to be sufficiently spacious and commodious to accommodate at least One hundred Persons, shall also be appropriated and set apart for the Use of Poor Persons resorting thereto, for ever; upon which Seats or Pews, so to be set apart for the Ministers, his Family and Servants, and the said Sittings or Benches, so appropriated for the Use of the Poor, no Rent or Burthen whatever shall at any Time be charged or imposed.

Benches for the Poor.

Seats vested in Trustees, and to be conveyed to the Purchasers thereof.

IV. And be it further enacted, That all the Seats and Pews to be erected and set up in the said Church or Chapel, (except those so set apart for the Minister and his Servants, and the said Benches so appropriated to the Use of the Poor as aforesaid) shall, either before the Consecration of the said Church or Chapel, or within One Month after such Consecration, be separately numbered, and all such Seats or Pews (except as aforesaid), together with the Cemetery, shall be, and the same are hereby vested in the said Trustees, to the Intent that they may, and they are hereby required, from Time to Time, with the Approbation and by the Direction of the said *John Cragg*, his Executors, Administrators, or Assigns, to convey the same respectively to the Persons respectively, who have already contracted or may hereafter contract with the said *John Cragg*, his Executors, Administrators, or Assigns, to become Purchasers thereof, and to the Executors, Administrators, and Assigns, of such Purchasers respectively, as Personal Property, subject nevertheless to such annual Rents or yearly Sums to be affixed thereon as are allowed by this Act, and to such other the Terms and Conditions, as to Seats and Pews in the said Church or Chapel, as are in this Act contained, and until the same shall respectively be so contracted for and conveyed, the said Trustees shall and may stand possessed of and interested in the same, for the Use of the said *John Cragg*, his Executors, Adminstrators, and Assigns, and shall permit and suffer him and them to let the same, and to receive the Surplus Rents thereof, after deducting the several Rents imposed thereon respectively, for the Purposes of this Act; which Rents, and the Monies to arise from the Sale of the said Seats shall be received by the said *John Cragg*, or paid over by the said Trustees to the said *John Cragg*, his Executors, Administrators, or Assigns, as his and their own proper Monies as a Reimbursement for the great Expence which he has sustained in building the same Church or Chapel, and for what he may yet sustain in finishing and furnishing the same.

Repairs of Church.

V. And be it further enacted, That the said intended Church or Chapel, and the Walls of the Cemetery shall, from Time to Time, and at all Times for ever hereafter, be kept in Repair by the Owners or Occupiers for the Time being of Seats within the said Church, except the Clergyman's and the Seats for the Poor.

VI. And

Rate may be made on Pew Owners for Repairs.

VI. And be it further enacted, That for that Purpoſe the Perſons ſo appointed, or thereafter to be appointed, to the ſaid Office of Churchwardens of the ſaid intended Church or Chapel as aforeſaid, ſhall and may, and are hereby authorized, empowered and required to make, or cauſe to be made, a Rate or Aſſeſſment, or Rates or Aſſeſſments, upon the Owners or Occupiers of Seats or Pews within the ſaid Church or Chapel except as aforeſaid, in Proportion to the annual Value of each Pew or Seat reſpectively, and to collect and receive the Money ariſing from every ſuch Rate, from ſuch Owners or Occupiers reſpectively; and in caſe any ſuch Owner or Occupier, his or her Executors or Adminiſtrators, ſhall at any Time or Times neglect or refuſe to pay the Sum or Sums ſo charged or aſſeſſed on him or her reſpectively, by any ſuch Rate or Aſſeſſment as aforeſaid, it ſhall and may be lawful for ſuch Churchwardens for the Time being, to uſe ſuch Means for the Recovery thereof, as are by this Act given for the Recovery of any Pew Rent, or for the Recovery of any Penalty or Forfeiture.

Rents to be fixed not to amount to more than 350l. nor leſs than 280l. yearly.

VII. And be it further enacted, That for providing for the Miniſter's Salary, and alſo for the Salaries of the Clerk, Sexton, and Organiſt of the ſaid Church or Chapel, and for the ornamenting and keeping the ſame in repair, and for other the Purpoſes of this Act, the ſaid Truſtees ſhall, previouſly to the Conſecration of the ſaid Church or Chapel, aſcertain and fix certain ſeparate and diſtinct annual Rents, to be payable in reſpect of each of ſuch ſeveral Pews and Seats reſpectively, which Rents ſhall be ſo regulated, fixed, and proportioned, as that the aggregate Amount thereof ſhall not in the Whole exceed the yearly Sum of Three hundred and fifty Pounds, nor be leſs than the yearly Sum of Two hundred and eighty Pounds, and the ſaid Truſtees ſhall cauſe the ſaid Rents to be entered, according to the Numbers of the ſaid Pews and Seats, in a Book to be provided by them for that Purpoſe, and to be ever afterwards kept by the Churchwardens to be appointed as herein-after mentioned, in the Veſtry of the ſaid Church, in which Book the Number of each Pew and Seat, and the Amount of the annual Rent of the ſame ſhall be diſtinctly and ſeparately ſet down, and which Rent the Owners or Occupiers for the Time being of the ſaid Pews or Seats reſpectively, ſhall be liable to pay.

Recovery of Pew Rents.

VIII. And be it further enacted, That every Purchaſer or Purchaſers, or other Perſon or Perſons poſſeſſed of a Seat or Pew in the ſaid Church or Chapel as aforeſaid, ſhall pay the Rents to be fixed thereon as aforeſaid, at Two equal half-yearly Payments, to wit, on every Firſt Day of *January* and Firſt Day of *July*, the Firſt Payment thereof to begin and be made upon ſuch of the ſaid Days as ſhall next happen after the Conſecration of the ſaid Church or Chapel, or the opening of the ſame for the Celebration of Divine Service under any Licence obtained for that Purpoſe; and in caſe the Rent of any ſuch Pew or Seat, or any Part thereof, ſhall happen to be behind and unpaid by the Space of Thirty Days next after the ſame ſhall become due, and due Notice in Writing ſhall have been given to the Owner or Occupier of ſuch Seat or Pew, then the Churchwardens for the Time being to be appointed in purſuance of this Act, ſhall and may either enter upon and hold ſuch Seat or Pew, or let the ſame to any other Perſon or Perſons in ſuch Manner as ſuch Churchwardens ſhall think proper, until the Rent in Arrear ſhall be duly paid and ſatisfied, or may ſell the ſame by public Auction to the beſt Bidder, and out of the Money thence ariſing,

ariſing, pay and ſatisfy the ſaid Rent in Arrear, rendering the Overplus, (if any) after deducting all reaſonable Coſts and Charges occaſioned by, or in conſequence of ſuch Rent having been ſo in Arrear and ſuch Recovery thereof to the Owner or Occupier, as the Caſe may be, of ſuch Seat; or the ſaid Churchwardens at their Diſcretion, may ſue for and recover the ſaid Rent ſo in Arrear by Action of Debt, or upon the Caſe, for the Uſe and Occupation of ſuch Pew or Seat, to be brought againſt the Owner or Owners, or any Occupier or Occupiers thereof, in the Name of the Churchwardens of the Church of *Saint Michael Toxteth*, in any of the Courts of Record at *Weſtminſter*, or in the Court of Common Pleas for the County Palatine of *Lancaſter*.

Appointment of the Miniſter.

IX. And be it further enacted, That the Reverend *James Hamer* Bachelor of Divinity, ſhall be the Firſt Miniſter or Chaplain of the ſaid Church or Chapel, and upon the Death, Reſignation, Deprivation, or Avoidance of the ſaid *James Hamer*, or upon the ſaid *James Hamer* in any other Manner ceaſing to be Miniſter of the ſaid Church or Chapel, the next Preſentation and the future Patronage, free Diſpoſition, Nomination, and Appointment, and Right of Preſentation to the ſaid new Church or Chapel, ſhall for ever appertain, belong to, and be veſted in the ſaid *John Leigh*, the Patron of the ſaid Church, his Heirs and Aſſigns for ever.

Appointing the Miniſter's Salary.

X. And be it further enacted, That for the Maintenance of the Miniſter or Curate for the Time being of the ſaid Church or Chapel, the Perſons who ſhall be Wardens thereof for the Time being, in purſuance of this Act, and their Succeſſors, ſhall, by and out of the Rents of Pews or Seats erected therein, yearly, and every Year, well and truly pay, or cauſe to be paid, to the Miniſter or Curate appointed by this Act, the Sum of Two hundred Pounds, and to every Miniſter or Curate to be afterwards appointed by the Patron of the ſaid Church, the Sum of Two hundred and fifty Pounds of lawful Money of *Great Britain*, without any Deduction or Abatement for Taxes or otherwiſe howſoever, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, by even and equal Portions, and the Money ſo to be paid ſhall be allowed to ſuch Wardens in their Account, and a due Apportionment of the ſaid Salary ſhall from Time to Time be made between the Executors or Adminiſtrators of any Miniſter of the ſaid Church or Chapel, dying in the Interval between the Half-yearly Days of Payment, and the Succeſſors of ſuch Miniſter ſo dying, for and in reſpect of the Half Year wherein ſuch Death ſhall happen.

For Recovery of Miniſter's Salary.

XI. And be it further enacted, That if Default ſhall be made in Payment of the Stipend or Salary of the Miniſter or Chaplain of the ſaid Church or Chapel, or any Part thereof, or any Apportionment thereof, to the ſaid Miniſter or Chaplain for the Time being, or the Executors or Adminiſtrators of a deceaſed Miniſter or Chaplain, for the Space of Thirty Days next after any of the Days of Payment whereon the ſame ought to be paid, then the Biſhop of the Dioceſe of *Cheſter*, or his Chancellor, Vicar General, or Official Principal, on Complaint to them or either of them made, ſhall and may ſummarily hear and determine the ſame, and ſhall and may ſequeſter the Profits of ſuch ſeveral Seats or Pews, for or until Payment thereof, or it ſhall be lawful for ſuch Miniſter or Chaplain, and his Executors and Adminiſtrators, to ſue for and recover the ſame, with full Coſts of Suit, againſt the Wardens for the Time being, by Action of Debt, or upon

upon the Caſe, for ſo much Money had and received to the Uſe of ſuch Miniſter or Chaplain, his Executors or Adminiſtrators, or for Work and Labour, ſuch Action to be brought in the Court of Commons Pleas, to be held for the ſaid County Palatine of *Lancaſter*, or in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein reſpectively no Eſſoign, Protection, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed: Provided always, that all Arrears of the ſaid yearly Stipend or Salary, which ſhall have accrued due in the Time of their Predeceſſors, may be demanded and recovered againſt any ſucceeding Wardens, at any Time, and that any ſuch Action for the Recovery thereof may be commenced againſt every ſuch ſucceeding Wardens, within the Space of Six Calendar Months next after their firſt entering upon, and being ſworn into the Office of Church Wardens.

Appointment of Miniſters in Caſes of Lapſe.

XII. And be it further enacted, That in caſe the Office or Place of Miniſter or Chaplain of the ſaid Church ſhall be ſuffered to remain for the Space of Six Calendar Months, without any Nomination or Preſentation thereunto by virtue of this Act, then and in every ſuch Caſe, the Nomination or Preſentation to the ſaid Church ſhall lapſe in the uſual Manner, according to the Laws of this Realm, in the Caſe of Preſentative Livings or Benefices.

Miniſter's Duty.

XIII. And be it further enacted, That the Miniſter or Chaplain, for the Time being, of the ſaid Church, (unleſs prevented by Sickneſs, or other reaſonable Cauſe, to be approved of by the Biſhop or Ordinary of the Dioceſe) ſhall, every *Sunday* Morning, with an audible Voice, read in the ſaid Church the Morning Prayers, and other Service preſcribed in the Book of Common Prayer, or Public Liturgy of the United Church of *England* and *Ireland*; and in the Afternoon of every *Sunday*, in like Manner, read therein the Evening Prayers, and other Service preſcribed in the ſaid Book of Common Prayer; and ſhall and will, Two Days in each Week during Lent, and in each and every Day in Paſſion Week, and on ſuch other Days as are or may be appointed to be kept holy, in like Manner read in the ſaid Church the Morning Prayer, and other Service ſo preſcribed for ſuch Days reſpectively; and ſhall, on every *Sunday* throughout the Year, as well in the Morning as in the Evening, and on every *Chriſtmas-Day* and *Good Friday*, in the Morning after Divine Service performed, preach a Sermon in the ſaid Church; and ſhall on every *Eaſter Day*, *Whit-Sunday*, and *Chriſtmas-Day*, and alſo upon the Firſt *Sunday* in every Month, (except in the Months in which *Eaſter Day* and *Whit-Sunday* ſhall happen) adminiſter the Holy Sacrament in the ſaid Church, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*.

For appointing Clerk and Sexton, &c.

XIV. And be it further enacted, That it ſhall be lawful for the Miniſter or Chaplain for the Time being of the ſaid Church, from Time to Time, to nominate and appoint ſuch Perſons as he ſhall think fit to officiate as Clerk and Sexton in the ſaid Church; and alſo, from Time to Time, to diſplace and remove ſuch Clerk and Sexton at his Will and Pleaſure; but that the Nomination of an Organiſt to the ſaid Church ſhall be, and the ſame is hereby veſted in a Majority of the ſaid Truſtees, at a Public Meeting to be called for the Purpoſe of ſuch Nomination in Manner aforeſaid, and that the Wages or Stipend of ſuch Clerk, Sexton, and Organiſt, ſhall, from Time to Time, be fixed and ſettled by a Majority of the ſaid Truſtees, at

ſome

ſome Public Meeting to be called for that Purpoſe in Manner aforeſaid, but ſo as the Wages or Stipend of ſuch Clerk be not leſs than Twenty-five Pounds, nor of the Sexton leſs than Ten Pounds, nor of the Organiſt leſs than Twenty-five Pounds *per Annum*; and ſuch Clerk, Sexton, and Organiſt reſpectively, ſhall and may, from Time to Time, uſe the like Methods for the Recovery of their reſpective Wages or Stipends as are by this Act given to the Miniſter or Chaplain of the ſaid Church for the Recovery of his Salary; and every ſuch Clerk, Sexton, and Organiſt, ſhall duly and regularly attend and perform his Duty at the ſaid Church, whenever required for that Purpoſe by the Miniſter, or, in Default thereof, ſhall loſe and forfeit all Right and Claim to his Wages or Stipends and be deprived of his Office.

Vaults to be veſted in the Truſtees.

XV. And be it further enacted, That (ſubject nevertheleſs as herein-after is mentioned) the ſeveral Vaults or Burial Places in the ſaid Church-yard or Cemetery ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, and they are hereby authorized and empowered to ſell, diſpoſe of, and convey all or any of ſuch Vaults or Burial Places, as and for Places of Burial, to any Perſon or Perſons willing to become the Purchaſer or Purchaſers thereof; and the Money to ariſe from the Sale of ſuch Vaults or Burial Places, after deducting the Expence of incloſing the ſaid Cemetery, and the neceſſary Repairs of the ſame, ſhall, on the Twenty-fifth Day of *March*, yearly, be divided and paid to the ſaid *John Moſs*, *John Menzies*, *John Garnett*, *John Montgomery*, *Robert Gladſtone*, *William Hughes*, *Arnold Harriſon*, *Thomas Headlam*, *Aſhton Byrom*, *William Nielſon*, and *Joſeph Gibbons*, their reſpective Executors, Adminiſtrators, and Aſſigns, in Proportion to the Amount of the ſeparate and diſtinct Annual Rents by this Act directed to be affixed on the ſeveral Seats or Pews in the ſaid Church, which have been already, by Agreement with the ſaid *John Cragg*, ſet apart and appropriated to them reſpectively, and alſo to the ſaid *John Cragg*, his Executors, Adminiſtrators, and Aſſigns, in Proportion to the Aggregate Amount of the ſeparate and diſtinct Annual Rents to be affixed on the whole of the remaining Seats or Pews in the ſaid Church; and every Purchaſer or Purchaſers of any ſuch Vaults or Burial Places, his or her Executors or Adminiſtrators, ſhall, and he, ſhe, or they, is and are hereby required, within Six Months next after ſuch Purchaſe, to put down, or cauſe ſuch one or more Grave-ſtones, ſufficiently large to cover the Vaults or Burial Places, to be put down in the ſaid Church-yard, under the Penalty of Ten Pounds for Default thereof, to be recovered in a ſummary Way before any Juſtice of the Peace of the ſaid County of *Lancaſter*, and to be levied by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons ſo offending, by Warrant under the Hand and Seal of ſuch Juſtice, and when ſo levied, to be applied to the Uſe of the Poor of the ſaid Townſhip of *Toxteth Park*.

Burial Place for the Poor.

XVI. Provided always, and be it further enacted, That within and adjoining to the Walls of the ſaid Cemetery, on the North Side thereof, there ſhall be reſerved for the Burial of the Poor reſiding or happening to die in *Toxteth Park* aforeſaid, within the Circuit of One Mile from the ſaid Church, a Space of Ground equal in its Extent to One-fourth Part of the whole of the ſame Cemetery.

XVII. And

Coffins not to be placed in the Church-yard within Two Feet of the Surface.

XVII. And be it further enacted, That it ſhall not be lawful to bury, nor ſhall there be any Vault or Burial Place within the Body of the ſaid Church; and it ſhall not be lawful to place any Coffin at a leſs Diſtance than Two Feet from the Surface of the ſaid Church-yard; and if the Churchwardens of the ſaid Church ſhall permit or ſuffer any Corpſe to be buried within the ſaid Church, or any Coffin to be placed in the ſaid Church-yard, at a leſs Diſtance from the Surface than before ſpecified, then, and in every ſuch Caſe, ſuch Churchwardens or Churchwarden ſo offending ſhall forfeit any Sum not exceeding Ten Pounds, which may be recovered in a ſummary Way before a Juſtice of the Peace of the ſaid County of *Lancaſter*, and ſhall be levied by Diſtreſs and Sale of a competent Part of the Goods and Chattels of the Churchwardens or Churchwarden ſo offending, by Warrant under the Hand and Seal of ſuch Juſtice, and when levied, ſhall go and be applied to the Uſe of the Poor of the ſaid Townſhip of *Toxteth Park*.

Banns may be publiſhed and Marriages celebrated in the Church.

XVIII. And be it further enacted, That from and after the Conſecration of the ſaid Church, Banns of Matrimony may be publiſhed, and Marriages celebrated within the ſaid Church, provided ſuch Banns be publiſhed, and Marriages celebrated, according to the Laws and Canons now in force within this Realm in that Behalf; and all ſuch Banns as ſhall be publiſhed, and alſo all ſuch Marriages as ſhall be celebrated in the ſaid Church, ſhall from and after the Time aforeſaid, be as good, valid, and effectual, to all Intents and Purpoſes, as if the ſame were publiſhed and celebrated in the Pariſh Church of *Walton* aforeſaid, provided the ſame be publiſhed and celebrated in Manner aforeſaid.

Regiſters to be kept.

XIX. And be it further enacted, That all Chriſtenings and Marriages to be had and ſolemnized in the ſaid Church, and all Burials in the ſaid Church-yard or Cemetery, ſhall be regiſtered in a public Regiſter, to be provided by the Churchwardens, and kept by the Miniſter for the Purpoſe in the Veſtry of the ſaid Church, according to the Laws now in force for keeping ſuch Regiſters in that Part of the United Kingdom called *England*.

Double Fees for Marriages, &c. to be paid.

XX. And be it further enacted, That there ſhall be paid to and into the Hands of the Miniſter of the ſaid Church for the Time being, for the Performance of the ſeveral and reſpective Offices of Miniſter, Clerk, and Sexton there, Double the Fees, Dues, and Perquiſites which are uſually and of Right ought to be paid for every Marriage, Churching, Burial, and opening the Ground for Graves in the Church-yard or Cemetery at the Pariſh Church at *Walton* aforeſaid, and Double all ſuch other Dues, Fees, and Perquiſites as are uſually paid at the ſaid Pariſh Church; and that the Miniſter or Chaplain of the ſaid intended Church ſhall, from Time to Time, collect and receive ſuch Double Fees, Dues, and Perquiſites, and account for and pay by equal Half-yearly Payments, on every Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, One Moiety thereof to and into the Hands of the Vicar of the ſaid Pariſh Church of *Walton* for the Time being, to be apportioned between him and the Clerk, and Sexton, of the ſame Pariſh Church, within Six Months after ſuch Vicar ſhall have received the ſame, in ſuch Shares and Proportions as the Fees payable at the ſaid Pariſh Church are apportioned; and that the remaining Moiety ſhall on the ſaid Half-yearly Days, be apportioned between the Miniſter, Clerk, and Sexton of the ſaid intended Church, in ſuch Shares and Proportions

as Fees of the like Nature, and for like Services are uſually, or of Right ought to be divided among the Vicar, Clerk, or Sexton of the ſame Pariſh Church; the Firſt of ſuch Payments to the ſaid Vicar, Clerk, and Sexton of the ſaid Pariſh Church, to begin and be made at and upon ſuch of the ſaid Half-yearly Days as ſhall firſt happen after the Conſecration of the ſaid intended Church; and in caſe of the Non-payment thereof, at any Time or Times within Twenty-one Days after either of the ſaid Half-yearly Days, the Moiety of ſuch Fees, Dues, and Perquiſites ſhall and may be ſued for and recovered from the Miniſter of the ſaid intended Church for the Time being, from Time to Time, by and in the Name of the Vicar of the Pariſh of *Walton*, by Action, for Monies had and received for his Uſe, in any of the Courts herein-before mentioned.

Appointing the Synodals, and Procurations to be paid.

XXI. And be it further enacted, That there ſhall be paid by the Miniſter or Chaplain of the ſaid intended Church for the Time being, to the Lord Biſhop of *Cheſter*, for the Time being, the uſual or cuſtomary Payments at the Feaſt of *Eaſter* every Year, for Synodals, and for Procurations, at every Triennial or Ordinary Epiſcopal Viſitation, according to the Cuſtom of the Dioceſe of *Cheſter*, the ſame to be recovered in like Manner as Synodals and Procurations are by Law recoverable.

Appointment of Churchwardens.

XXII. And be it further enacted, That it ſhall be lawful for the Proprietors of a Seat or Seats in the ſaid Church, and they are hereby authorized and required, within One Month after the Conſecration or Opening the ſame as aforeſaid, at ſome public Meeting to be held within the ſaid Church, and to be called for the Purpoſe as herein-after is mentioned, to nominate and appoint Two fit Perſons, being ſeverally Proprietors or Occupiers of a Seat or Pew in the ſaid Church, to be Churchwardens of the ſaid Church, until the Twenty-fifth Day of *March* next, or within Fourteen Days therefrom, upon which ſaid Twenty-fifth Day of *March*, or on ſome Day within the ſaid Term of Fourteen Days yearly, for ever thereafter, a public Meeting (of which Ten Days Notice ſhall be given on the Doors of the ſaid Church), of the Proprietors of Seats or Pews for the Time being, ſhall be held within the ſaid Church; at which Meeting Two fit Perſons, being ſeverally Proprietors or Occupiers of a Seat or Pew in the ſaid Church, ſhall be nominated and appointed Churchwardens of the ſame; and the Perſons ſo to be nominated and appointed as aforeſaid, being duly ſworn according to Law, ſhall reſpectively be and ſhall act as and in the Nature of Churchwardens for the Time being of the ſaid Church, and ſhall continue in the Office until the Twenty-fifth Day of *March*, in the next enſuing Year, or on ſome Day within Fourteen Days therefrom after ſuch reſpective Appointments; and they and their Succeſſors, and the Survivor of them, are hereby authorized and required to collect and receive the Rents of the ſaid Seats or Pews; and in caſe of Non-payment, to enter upon the ſame and to ſell or elſe to ſue or bring Actions for the Recovery of ſuch Rents, in Manner before-mentioned; and out of the Rents ſo received, to pay the Miniſter, Clerk, Organiſt, and Sexton of the ſaid Church for the Time being, their reſpective Salaries or Stipends and Wages, and likewiſe to furniſh Books and Surplices for the Miniſter for the Time being of the ſaid Church, and Bread and Wine for the Holy Euchariſt and other neceſſary Things; and further to do and perform all other Matters whatſoever, which may be neceſſary and expedient for and concerning the Repairs, Management and

Application of the Pew Rents.

good Order of the ſaid Church, and which Churchwardens by Law are authorized to do ſo far as reſpects the ſaid Church and Cemetery; and ſuch Perſons ſo to be nominated and appointed Churchwardens as aforeſaid for the Time being, and their Succeſſors, ſhall, and they are hereby required and enjoined to keep true and perfect Entries in a proper Book or Books, to be provided for that Purpoſe, of all and every Sum and Sums of Money by them received on Account of the Rents of the ſaid Seats or Pews as aforeſaid, and otherwiſe, and of all and every Sum and Sums of Money by them iſſued and paid; and all Books and Accounts whatſoever to be kept by the ſaid Churchwardens by virtue of this Act, ſhall and may be inſpected at all convenient Times by any of the Owners of Seats in the ſaid Church, and by the Miniſter of the ſame.

Appointment of a Churchwarden when Patron preſents.

XXIII. Provided always, and be it further enacted, That from and after the Expiration of Forty Years after the paſſing of this Act, the Majority of the Proprietors preſent at any Meeting to be held for the Election of Two Churchwardens as aforeſaid, ſhall and may nominate and appoint One Churchwarden only; and the Miniſter of the ſaid Church for the Time being ſhall and may nominate and appoint the other, ſuch Churchwardens being ſeverally Proprietors of a Seat or Pew in the ſaid Church; and in caſe of the Death of any Churchwarden, during the Year for which he ſhall be elected, then and ſo often as ſuch Churchwarden ſhall happen to die, a new Churchwarden may be appointed by the Miniſter, or by the Majority of the Proprietors, as the Caſe may be, in ſuch Manner as the deceaſed Churchwarden ſhall have been appointed; and every Churchwarden ſo to be elected in the Room of one dying in his Year of Office, being duly ſworn as aforeſaid, ſhall have, and be inveſted with the ſame Powers and Authorities as his Predeceſſor.

Appeal.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Determination of the ſaid Truſtees or any Juſtice of the Peace, in reſpect of any Matter or Thing authorized to be done in purſuance of this Act, in relation to the Recovery of any Pew Rents, or any Rates or Aſſeſſment, or any Penalty or Forfeiture under this Act, it ſhall be lawful for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County where the Cauſe of Complaint ſhall ariſe, who are hereby authorized to hear and determine the Matter of any ſuch Appeal in a ſummary Way, ſuch Appeal being made within Three Calendar Months after the Cauſe of Complaint ſhall have ariſen; and the Perſon or Perſons ſo appealing firſt giving or cauſing to be given Fourteen Days Notice at leaſt in Writing of his, her, or their Intention of appealing as aforeſaid, and of the Matter or Cauſe thereof to the ſaid Truſtees for the Time being, or to the Churchwardens or one of them, and within Six Days after ſuch Notice, entering into a Recognizance before ſome Juſtices of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of and pay ſuch Coſts as ſhall be awarded againſt him, her, or them, by the Juſtices of ſuch Seſſions, and that ſuch Juſtices upon the Hearing and Determination of the Matter of ſuch Appeal, ſhall and may make ſuch Order therein as to them ſhall ſeem meet; and they are hereby required to award ſuch Coſts to the Party or Parties appealing or appealed

againſt as they ſhall think proper, and their Determination in the Premiſes ſhall be final and concluſive to all Intents and Purpoſes.

Limitation of Actions.

XXV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Three Calendar Months next after the Fact committed, and the Defendant or Defendants in any ſuch Action or Suit may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in the purſuance of and by the Authority of this Act; and if it ſhall appear to have been ſo done, the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff ſhall be non-ſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgment ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Double Coſts, and have the like Remedy for the ſame as any Defendants have in other Caſes by Law.

General Iſſue.

Double Coſts.

Saving the Rights of the Biſhop of Cheſter, and of the Vicar of the Pariſh of Walton.

XXVI. Provided always, and be it further enacted, That nothing in this Act ſhall take away, change, diminiſh, or impeach any Eſtate, Right, Title, Intereſt, Property, Privilege, or Juriſdiction of the Biſhop of *Cheſter* for the Time being, or any Right, Privilege, Offering, Oblation, Obvention, Emolument, Fee, Gratuity, Gift, Preſent, Advantage, or Benefit which the Patron, Rector, or Vicar of the ſaid Pariſh of *Walton*, or the Clerk or Sexton of the ſaid Pariſh and Church for the Time being, would or might have, claim, or enjoy, or would or might be entitled to, if this Act had not been made.

Church, &c. ſubject to the Dioceſe of Cheſter.

XXVII. And be it further enacted, That the ſaid intended Church or Chapel, and Miniſter and Church and Chapel Wardens ſhall be under and ſubject to the ordinary Juriſdiction of the Biſhop of *Cheſter*, and ſhall be viſited in ſuch Manner as other Churches within the Dioceſe of *Cheſter* are viſited.

Saving of Rights.

XXVIII. Saving always to the King's moſt Excellent Majeſty, and to His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtates, Rights, Title, and Intereſt (other than thoſe meant and intended to be barred and deſtroyed by this Act), which they, every, or any of them, had and enjoyed before the paſſing of this Act, or could or might have had or enjoyed, in caſe this Act had not been made.

Public Act.

XXIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1815.